



Atty Dkt. No.: PALX002CON  
USSN: 09/828,539

43. (New) The enhanced visibility composition of claim 40, wherein said radiopaque particles have a size between about 570 $\mu$  and 1150 $\mu$ .

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REMARKS

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No new matter is believed to be added by this Amendment. The addition of liquid contrast agent to the composition containing radiopaque particles as described in amended claim 33 is supported at page 4, lines 22-27 of the Specification. The size ranges for the "tracer" particles made explicit in claims 40 and included in new claims 42 and 43 are supported at page 7, lines 8-18.

With respect to the claims that require radiopaque particles of a size greater than 350 $\mu$ , Applicant respectfully asserts that this selected size range of particles is critical to the invention. The Specification at page 7, line 8 through page 9, line 13 explains the particular utility and advantages offered by utilizing particles so-sized in an implantable composition. This has similarly been argued by Applicant in the parent case of the present application. These features are believed to overcome such references as provided in the attached Information Disclosure Statement. Accordingly, a Notice of Allowability is respectfully requested.

Attached hereto is a marked-up version of the changes made to the claims by the current amendment. The attached page is captioned "VERSION WITH MARKINGS TO SHOW CHANGES MADE".

IN CLOSING

In the unlikely event that the transmittal letter is separated from this document and/or the Patent Office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this paper.

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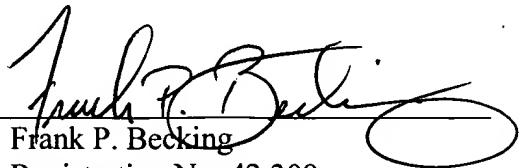
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The Commissioner is hereby authorized to charge any underpayment of fees associated with this communication, including any necessary fees for extensions of time, or credit any overpayment to Deposit Account No. 50-0815, order number PALX002CON.

Respectfully submitted,  
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Date: 12/3/01

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F://docs/palx002con/prelim amend.doc

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**VERSION WITH MARKINGS TO SHOW CHANGES MADE**

**In the Specification:**

This is a Continuation Application of U.S. S/N 09/420,093 filed October 18, 1999, issued as U.S. Patent No. 6,231,615, titled "Enhanced Visibility Material For Implantation in Hard Tissue," which is a Divisional Application of U.S. S/N 08/950,256 filed October 14, 1997, issued as U.S. Patent No. 6,309,420 with the same title.

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**In the Claims:**

33. (Amended) An injectable composition comprising:

a biocompatible matrix;

radiopaque particles mixed within said biocompatible matrix, said radiopaque particles having a particle size between about 120 $\mu$  and 2200 $\mu$ ; and

liquid contrast agent.

34. The injectable composition of claim 33, wherein said biocompatible matrix and said radiopaque particles form a slurry.

35. The injectable composition of claim 33, wherein the mixture of said biocompatible matrix and said radiopaque particles forms a hard tissue implant material.

36. The injectable composition of claim 33, wherein said radiopaque particles have a particle size between about 350 $\mu$  and 2200 $\mu$ .

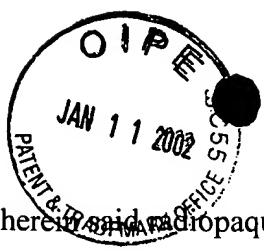
37. The injectable composition of claim 36, further comprising:

contrast particles having a particle size between about 120 $\mu$  and 350 $\mu$ .

38. The injectable composition of claim 36, wherein said radiopaque particles having a particle size between about 450 $\mu$  and 1600 $\mu$ .

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39. The injectable composition of claim 38, wherein said radiopaque particles having a particle size between about 570 $\mu$  and 1150 $\mu$ .

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40. (Amended) An enhanced visibility composition comprising:

a flowable matrix; and

radiopaque particles in said flowable matrix, said radiopaque particles [being of a size and concentration] having a size between about 350 $\mu$  and about 2200 $\mu$  so as to be individually visible during implantation.

41. (Amended) The enhanced visibility composition of claim 40, wherein said radiopaque particles have a size between about [120]570 $\mu$  and 2200 $\mu$ .

42. (New) The enhanced visibility composition of claim 40, wherein said radiopaque particles have a size between about 450 $\mu$  and 1600 $\mu$ .

43. (New) The enhanced visibility composition of claim 40, wherein said radiopaque particles have a size between about 570 $\mu$  and 1150 $\mu$ .

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